

Appl. No. 10/787,174
Amendment dated December 19, 2005
Reply to Office Action of September 21, 2005

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figures 1, 2, 6, 7, and 8. These sheets, which include Figure 1, 2, 6, 7, and 8, replace the original sheets including Figure 1, 2, 6, 7, and 8.

Attachment: five (5) replacement sheets

REMARKS

In the September 21, 2005 Office Action, the drawings and specification were objected to and claims 1-18 stand rejected in view of prior art, while claims 19 and 20 were withdrawn for being directed to a non-elected embodiment. Claims 1-18 also were rejected for failing to comply with the enablement requirement and for failing to indicate and to claim particularly and distinctly the subject matter that Applicant regards as the invention. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the September 21, 2005 Office Action, Applicant has amended the specification and claims 1 and 10 as indicated above, and submits replacement drawings herewith. Thus, claims 1-20 are pending, with claims 1 and 10 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Election of Species

In item 1 of the Office Action, Applicant's election without traverse in the reply filed on August 5, 2005 was acknowledged. Thus, as mentioned in item 2 of the Office Action, non-elected claims 19 and 20 were withdrawn from further consideration. However, Applicant respectfully requests that non-elected claims 19 and 20 be rejoined in this application upon allowance of a generic or linking claim, or claims. Specifically, non-elected claims 19 and 20 depend from claim 10.

Drawings

In item 3 of the Office Action, the drawings were objected to for a) an inappropriate cross hatch pattern used for the bush 151, b) reference character 108a failing to appear in Fig. 6, c) Fig. 12 indicating that θ_6 equals 11 degrees and the written disclosure describing it as 9 degrees, and d) Fig. 12 indicating that θ_4 equals 1 degree and the written disclosure

describing it as 4 degrees. In response, Applicant has amended the drawings and written disclosure to overcome the objections.

Specifically, Applicant has submitted herewith replacement drawings for Figures 1, 2, 6, 7, and 8 amending the cross hatch pattern of the bush 151. Further, Figure 6 has also been amended to show reference character 108a. Applicant respectfully asserts that no new matter has been added.

Moreover, Applicant has amended paragraph [0045] to state that θ_6 equals 9, and paragraph [0048] to state that θ_4 equals 1 degree as indicated in Figure 12.

Applicant believes that the drawings now comply with 37 CFR §1.83(a). Applicant respectfully requests withdrawal of the objections.

Specification

In items 6 and 7 of the Office Action, the specification was respectively objected to for typographical and/or other errors and for failing to proper antecedent basis for the limitations of claims 1, 2, 3, 7, 10, 11, 12, and 16. In response, Applicant has amended the specification to correct the errors and to provide proper antecedent basis for the limitations of claims 1, 2, 3, 7, 10, 11, 12, and 16.

Specifically, with regards to item 6, a) the current status of the related application has been provided, b) the undefined acronym “FF” has been defined as front engine and front drive, c) the reference numeral 1 has been changed to 101 as suggested, d) the phrase “the auxiliary pin in the prior art design” has been changed to -- a conventional auxiliary pin --, and e) the reference characters 8e, 8a, and 8 have respectively been changed to 108e, 108a, and 108. Applicant respectfully asserts that FF as used in the instant specification has been used in various patents, most recently in U.S. Patent No. 6,958,027 on column 3, line 43.

With regards to item 7, paragraph [0051] has been amended to give proper antecedent basis

for 1, 2, 3, 7, 10, 11, 12, and 16 by a) and d) stating that the plate spring 162 is configured to be pushed by the first rotating member or hub, b) and e) stating that the plate spring 162 is movable in the rotational direction with the first rotating member or hub pushes the plate spring 162, and c) stating that the plate member is configured to be deformed elastically. Applicant respectfully asserts that no new matter has been added. Further, Applicant respectfully asserts that the above description is not meant to limit the invention of the claims.

Applicant has further amended paragraph [0022] to state the structure of the opening 143. Since Applicant has only described that which was shown in Fig. 5, Applicant respectfully asserts that no new matter has been added.

Applicant believes that the specification is now correct. Withdrawal of the objections is respectfully requested.

Claim Rejections - 35 U.S.C. §112

First Paragraph

In item 9 of the Office Action, claims 1-18 were rejected under 35 U.S.C. §112, first paragraph. In response, Applicant has amended paragraph [0051] to clarify claims 1-18.

Specifically, the specification now clearly states that in the region where only the second damper 160 operates, the intermediate rotating member 110 cannot rotate relative to the flange 108. In other words, when the first damper mechanism 159 can no longer operate, the intermediate rotating member 110 cannot rotate relative to the flange 108. However, as stated in various parts of the specification, e.g. paragraph [0031] and the drawings, when the first damper mechanism 159 operates, the intermediate rotating member 110 *is* relatively rotatable with the flange 108. Thus, Applicant respectfully asserts that no new matter has been added.

Applicant believes that the claims now comply with 35 U.S.C. §112, first paragraph.

Withdrawal of the rejections is respectfully requested.

Second Paragraph

In item 11 of the Office Action, claims 10-18 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended claim 10 to clarify claims 10-18.

Specifically, a) the term “disk-like” has been amended to read -- disk-shaped --, b) the nonsensical limitation has been amended to read -- an elastic connection mechanism elastically connecting said hub --, and c) the term “minute” has been deleted.

Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

Rejections - 35 U.S.C. § 102

In item 13 of the Office Action, claims 1-3, 7, and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,787,612 (Ball et al.). Further, in item 14 of the Office Action, claims 1-3, and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,871,401 (Maucher). Moreover, in item 15 of the Office Action, claims 1-3, 7, and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,368,812 (Steeg). Finally, in item 16 of the Office Action, claims 1-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,302,799 (Hashimoto). In response, Applicant has amended independent claims 1 and 10 to define clearly the present invention over the prior art of record.

In particular, independent claim 1 has been amended to recite that the first rotating member has an opening that has an inner periphery supporting part, and that the plate member is arranged on the inner periphery supporting part. Independent claim 10 has been amended to recite that the hub has an opening and that the plate member is arranged in the

opening. As seen in Figure 3 of Ball et al., Ball et al. disclose a plate member 52 arranged to the side of the hub. Further, Ball et al. do not disclose a first rotating member 17-19 that has an inner periphery supporting part. As seen in Figs. 12 and 13 of Maucher et al., Maucher et al. do not disclose an opening in the first rotating member with the plate member 49 being arranged therein. As seen in Fig. 1 of Steeg, Steeg discloses a plate member 8 arranged beside the first rotating member 5 and not inside as recited by amended claim 1 of the present application. Finally, as seen in Figure 3 of Hashimoto, Hashimoto also discloses a plate member 19 and 78 arranged to the side of the hub. Further, Hashimoto does not disclose a first rotating member 18 that has an inner periphery supporting part. Clearly, this structure is *not* disclosed or suggested by the prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicant respectfully submits that claims 1 and 10, as now amended, are not anticipated by the prior art of record. Withdrawal of these rejections is respectfully requested.

Moreover, Applicant believes that the dependent claims are also allowable over the prior art of record in that they depend from independent claims 1 and 10, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claims 1 and 10, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

Appl. No. 10/787,174
Amendment dated December 19, 2005
Reply to Office Action of September 21, 2005

* * *

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



Todd M. Guise
Reg. No. 46,748

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444

Dated: 12/19/05

G:\11-Nov05-NATED-US020791 Amendment